

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Criminal Action No.
	)	05-00307-01-CR-W-HFS
EDDIE D. GILDON,	)	
	)	
Defendant.	)	

**MEMORANDUM OF MATTERS DISCUSSED AND  
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on September 20, 2006. Defendant Eddie Gildon appeared in person and with retained counsel Sean Pickett. The United States of America appeared by Assistant United States Attorney David Barnes.

***I. BACKGROUND***

On August 30, 2005, an indictment was returned charging Defendant one count of possession with the intent to distribute cocaine base, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B). The following matters were discussed and action taken during the pretrial conference:

***II. TRIAL COUNSEL***

Mr. Barnes announced that he will be the trial counsel for the government. The case agent to be seated at counsel table is Darrell Reach, ATF.

Mr. Pickett announced that he will be the trial counsel for Defendant Gildon.

***III. OUTSTANDING MOTIONS***

There are no pending motions in this case.

***IV. TRIAL WITNESSES***

Mr. Barnes announced that the government intends to call twelve witnesses without stipulations or eight witnesses with stipulations during the trial.

Mr. Pickett announced that Defendant Gildon intends to call four witnesses during the trial. The defendant may testify.

***V. TRIAL EXHIBITS***

Mr. Barnes announced that the government will offer approximately twenty exhibits in evidence during the trial.

Mr. Pickett announced that Defendant Gildon will offer approximately two exhibits in evidence during the trial.

***VI. DEFENSES***

Mr. Pickett announced that Defendant Gildon will rely on the defense of general denial.

***VII. POSSIBLE DISPOSITION***

Mr. Pickett stated this case is definitely for trial.

***VIII. STIPULATIONS***

Stipulations are likely as to chain of custody and chemist's reports.

***IX. TRIAL TIME***

Counsel were in agreement that this case will take three days to try.

***X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS***

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed March 31, 2006, counsel for each party file and serve a list of exhibits he intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by Wednesday, September 20, 2006;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, September 27, 2006;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions by or before noon, Wednesday, September 27, 2006. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and, if available to counsel, 3 and 1/2 inch computer disk in a form compatible with WordPerfect 9.0, 10.0, or 11.0.

***XI. UNUSUAL QUESTIONS OF LAW***

Defendant plans to file a motion in limine regarding phone transcript testimony.

There are no unusual questions of law.

***XII. TRIAL SETTING***

All counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on October 2, 2006. Mr. Pickett advised that he plans to file a motion for continuance; the government does not object.

/s/ Robert E. Larsen  
ROBERT E. LARSEN  
United States Magistrate Judge

Kansas City, Missouri  
September 20, 2006

cc: The Honorable Howard F. Sachs  
Mr. David Barnes  
Mr. Sean Pickett  
Mr. Jeff Burkholder